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EXAMINER	
ASHBURN, STEVEN L	

ART UNIT	PAPER NUMBER
3714	

DATE MAILED: 03/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application N .	Applicant(s)
	09/719,706	GUARY ET AL.
	Examiner	Art Unit
	Steven Ashburn	3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *24 November 2003*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-10,12 and 13* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-10,12 and 13* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-10, 12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,583,407 to Yamaguchi (Dec. 10, 1996) in view of '3DZoneMaster', collectively referenced to <www.proxy-ms.co.il/pegasus.htm> (1998), <www.mpog.com/reviews/hardware/controls/-techmedia/3dzone> (1997), <www.gamesdomain.co.uk/-gdreview/zones/review/hardware/-jan98/3dz_prnt.html> (Jan. 1998), <www.time.com/time/magazine/-1997/dom/971215/-techwatch.html> (Dec. 1997) and <www.gamersu.com/reviews/hardware.sap?id=11>.

Yamaguchi discloses a video game shooting system wherein a player uses a pistol to shoot virtual targets. The system provides a input device allowing a player to designate operations and provide three-dimensional control over the game. The particular features of each claim are discussed below.

Claims 1 and 13: Yamaguchi discloses the following features:

a. A display system which can display an image of a video game shooting system incorporating at least on virtual target wherein the image is representative of a viewing field of the a virtual actor; and a game processor having at least microprocessor which is connectable to the display system to control the image of the video game shooting system on the display system. *See fig. 4-9*

b. A pistol, connectable to the game processing means, comprising

i. A grip supporting a frame which defines a shooting axis whose direct projection on the display system defines an impact position of the shot on the display. *See col. 3:46-52, 6:8-34.*

ii. Means for triggering shots being activated by the player to send a shooting instruction to the game processing means at an instant chose by the player. *See col. 3:50-64.*

iii. Displacement of the shooting axis relative to the display system and the virtual actor is caused by an orientation of the frame of the pistol relative to the display system due to the player's action. *See col. 3:46-52, 6:8-34.*

c. A means to control a movement of the viewing field of the virtual actor, enabling the player to move the virtual actor in the video game shooting system and to shoot in a location at a moment chosen by the player. *See fig. 3A-3C, col. 1:36-52.*

In addition, Yamaguchi suggests that the means to control movement of the virtual actor may alternatively be operated by a player's hand. *See col. 7:62-67.* However, the reference does not teach integrating the means to control movement of the virtual actor into the pistol. As discussed below, this modification would have been obvious to an artisan in view of 3DZoneMaster.

3DZoneMaster discloses a pointing device for computer which resembles a futuristic pistol. *See www.mpog.com, p. 1.* In addition to general computing applications, the 3DZoneMasteris intended for use as a controller in three-dimensional video games. For example, it was sold in combination with VIRTUA SQUAD - a pistol-shooting game for home computers . *See www.gamersu.com, pp. 1-2; www.games-domain.co.uk, pp. 2-3.* In particular regard to the claimed invention, 3DZoneMaster provides a pistol having an integrated means for controlling the movement of a viewing field enabling the player to move the virtual actor in the video game shooting system and to shoot in a location at a moment chosen by the player. *See id.*

In view of 3DZoneMaster, it would have been obvious to an artisan at the time of the invention to modify the shooting game disclosed by Yamaguchi, which suggests a hand operated means controlling the movement of the virtual actor, to add the feature of an integrated means to control movement of the virtual actor in the pistol. As suggested by Yamaguchi, the addition of a movement controller enhances a shooting-type game by allowing a player to easily manipulate the movements of a character. Furthermore, as shown by 3DZoneMaster, integrating a movement controller into a pistol allows a player to control the movement, targeting and firing a of a character in a shooting game using a single hand. *See www.gamesdomain.co.uk, p. 1.*

Claim 2: 3DZoneMaster teaches an integrated multidirectional control device for controlling the movement of the viewing field of the virtual actor. *See www.gamersu.com, pp. 1-2; www.games-domain.co.uk, pp. 2-3.*

Claim 3: 3DZoneMaster teaches the multidirectional control device enabling the player to move the virtual actor in at least one of left, right, forward and back directions. *See id.* Notably, the device is customizable to assign a variety of control inputs to the multidirectional control device. *See www.mpog.com, pp. 3-4; www.proxy-ms.co.il, p. 3.*

Claim 4: Yamaguchi suggests that the means to control movement of the virtual actor may alternatively be operated by a player's hand. *See col. 7:62-67.* Further, 3DZoneMaster integrates a multi-directional switch into a hand controller. *See www.mpog.com, p. 4.* However, the controller suggested by Yamaguchi in view of 3DZoneMaster does not suggest employing a control pad, joystick or trackball as alternate directional controllers. Regardless, one with ordinary skill in the art would possess that control pads, joysticks or trackballs are substitutable for the same purpose of controlling as a multi-

directional switch in a hand controller. Thus it would be obvious to substitute a control pad, joystick or trackball for the multi-directional switch in the controller suggested by Yamaguchi in view of 3DZoneMaster.

Claim 5: 3DZoneMaster describes using the controller in three-dimensional, first person shooter games including moving laterally. *See www.gamesdomain.co.uk, p. 1.* Additionally, it allows the users to customize the controller's switch to execute commands otherwise assigned to keyboard, mouse, or joystick switches. *See www.mpog.com, p. 4.* However the controller suggested by Yamaguchi in view of 3DZoneMaster does not describe a button for switching the effect of the multi-directional controller to enable lateral movement of a game character. Regardless, the examiner takes official notice that it is well known in first-person-shooter games to employ a button to switch a directional controller from commanding left/right rotation to left/right lateral movement of the game character (i.e. strafe, slide, or sidestep). This feature is typically incorporated into keyboard, mouse, and joystick controls for first-person-shooter games to allow a player remain facing forward while moving or dodging an enemy character's attack. Hence, it would have been obvious to provide a button in the piston suggested by Yamaguchi in view of 3DZoneMaster, wherein different functions may be assigned to different pistol buttons, a button for switching the effect of the multi-directional controller to enhance the system by enabling a player to strafe, slide, or sidestep with the game character.

Claim 6: 3DZoneMaster teaches a switching button which enables the multidirectional control device to cause movement of the virtual actor's head. *See id.*

Claim 7: The controller suggested by Yamaguchi in view of 3DZoneMaster does not disclose employing the feedback to simulate the recoil of a pistol when fired. Regardless, shooting games using

pistols that simulate recoil are notoriously well-known in the art of shooting games systems. At the time of the invention, an artisan with ordinary skill in the art would have been aware other devices incorporating this feature. Thus, the examiner takes official notice that it would have been obvious to an artisan at the time of the invention to modify the controller suggested by Yamaguchi in view of 3DZoneMaster to enhance the reality of the video game by simulating the tactile sensation of recoil.

Claim 8: 3DZoneMaster teaches trigger means for triggering shots. More specifically, the device provides a trigger button. *See www.proxy-ms.co.il, p. 1.* In playing a shooting-game VIRTUA COP, the trigger button triggers shots at virtual targets on the display. *See www.gamesdomain.co.uk, pp. 2-3.*

Claims 9: *3DZoneMaster* discloses a controller for use with a computer system. However, the references do not discuss using the controller with a television console or virtual reality systems. Regardless, one with ordinary skill in the art would have knowledge of these alternate systems for creating games of various realism and expense. Thus using the controller within a television or virtual reality system would have been obvious to an artisan at the time of the invention based on his implicit knowledge.

Claim 10: 3DZoneMaster teaches a computer and monitor. *See www.mpog.com, pp. 1, 2 and 4.* More specifically, the device requires at least a IBM PC compatible 386 and a VGA monitor. *See id.*

Claims 12: 3DZoneMaster disclose a pointing device for a computer user interface. Although not discussed, it is implicit that 3DZoneMaster controls an on screen pointer to designate selections targeted by the controller. However, the system suggested by Yamaguchi in view of 3DZoneMaster does not particularly describe representing the shooting axis of the pistol by displaying using a visible crosshair.

Regardless, the examiner takes official notice that it is well known in the art to facilitate aiming in a shooting game by representing the aim point of a controller by drawing a crosshair on the display. Hence, in the system suggested by Yamaguchi in view of 3DZoneMaster, wherein a controller controls an on-screen pointer, it would have been obvious to an artisan at the time of the invention to add the feature of representing the shooting axis of the pistol by displaying using a visible crosshair to designate the pistol's aim point and thereby facilitate aiming.

Prior Art, Not Relied On

The following prior art of record is not relied upon but is considered pertinent to applicant's disclosure: U.S. Patent 4,552,360 (Nov. 12, 1985) discloses a game controller in the form of a pistol grip having an integrated joystick and thumbwheel.

Response to Arguments

Applicant's arguments with respect to claims 1-10, 12 and 13 have been considered but are moot in view of the new ground(s) of rejection necessitated by the applicant's amendment.

Regarding the applicant's request for withdraw of finality of the prior action dated August 21, 2003 (paper no. 14), the examiner notes that the action was not made final.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a). A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the

event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven Ashburn whose telephone number is 703 305 3543. The examiner can normally be reached on Monday thru Friday, 8:00 AM to 4:30 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Hughes can be reached on 703-308-1806. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

s.a.

MARK SAGER
PRIMARY EXAMINER